

## CHAPTER TEN DEFINITIONS

### Section 1000.00      **General Interpretation:**

For the purpose of this Resolution, certain words shall be interpreted as follows:

1. The word "person" includes a firm, association, organization partnership, trust, company, or corporation, as well as an individual.
2. The word "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement.
3. The present tense includes future tense, the singular number includes the plural, and visa versa.
4. The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied."
5. The word "lot" includes the words "plat" or "parcel."
6. Any word or term not defined herein shall be given a meaning found in the latest publication of Webster's Dictionary.
7. References to specific sections of the Ohio Revised Code or other statutory or regulatory edicts or proclamations shall be understood to extend to successor citations should the specific numbers involved be changed or altered through the amendment process.

### Section 1001.00      **Words, Terms or Phrases:**

1. Words, terms or phrases and any type of defining characteristic not listed in this section is prohibited use in all zoning districts. (3/14/2008) (#2008-100)
2. Words, terms, or phrases and any type of defining characteristic as defined in this section and not listed in any/all zoning district(s) is prohibited use in that/all zoning districts. (3/14/2008) (#2008-100)
3. The following listed words, terms, or phrases are defined as follows:

#### Abandonment:

To cease or discontinue a use or activity without intent to resume, but excluding temporary or short term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or re-arranging a facility, or during normal periods of vacation or seasonal closure.

#### Abutting:

Having property or district lines in common.

Access:

A pathway permitting ingress and egress by pedestrian or vehicular traffic; when intended for vehicular traffic, it shall have a solid and drained foundation bed, a twelve (12) foot minimum width, and shall be free from overhead obstruction.

Accessory Building:

Any enclosed building/structure not fit for human habitation. (#2004-427) (11/27/2004)

Accessory Structure/Use:

A structure or use that: a) is clearly incidental to and customarily found in connection with a principal building or use; b) is subordinate to and serves a principal building or a principal use; c) is subordinate in area, extent, or purpose to the principal building or principal use served; d) contributes to the comfort, convenience or necessity of occupants, business, or industry in the principal building or principal use served; and, e) is located on the same lot as the principal building or use served.

Addition:

Any construction which increases the size of a building.

Adult Arcade:

Any place to which the public is permitted or invited, wherein coin-operated or slug operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."

Adult Book Store or Adult Video Store:

A commercial establishment which derives twenty-five (25) percent or more of its gross income from the sale and rental of, or utilizes twenty-five (25) percent or more of its retail selling area for the display of any one or more of the following:

1. Books, magazines, periodicals, or other printed matter or photographs, films, motion pictures, video cassettes, or video reproductions, slides or other visual representations which depict or describe specified sexual activities or specified anatomical areas or;
2. Instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities.

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing specified sexual activities or specified anatomical areas and still be categorized as an adult book store or adult video store. Such other business purposes will not serve to exempt such commercial establishment from being categorized as an adult book store or adult video store.

Adult Cabaret:

A nightclub, bar, restaurant, or similar establishment that regularly features live dancers who must wear at least pasties and a g-string. (No public nudity is permitted.)

Adult Care Facility:

An Adult Care Facility provides accommodations and supervision to three to sixteen unrelated adults, at least three of whom are provided personal care services.

Adult Group Home (ORC Section 3722.01):

A residence or facility that provides accommodations to six to sixteen unrelated adults and provides supervision and personal care services to at least three unrelated individuals. Typically, elderly persons occupy these types of units.

Adult Motion Picture Theater:

A commercial establishment which derives twenty-five percent (25%) or more of its gross income from the showing of, or utilizes twenty-five percent (25%) or more of its total viewing time for the presentation of, or both, materials for observation by its patrons, films, motion pictures, video cassettes, slides, or similar photographic reproductions, which are regularly shown and which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

Adult Theater:

A theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

Affordable Housing:

Housing that is affordable to very low to moderate income households as defined by the U.S. Department of Housing and Urban Development for Portage County, and is maintained for occupancy exclusively for such persons for a period of not less than thirty (30) years through the use of a covenant or deed restriction, a development agreement, or by transferring interest to a state, county housing agency or nonprofit housing organization.

Agriculture:

The use of land for farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses, provided that any such accessory uses are secondary to that of the normal agricultural activities.

Airport:

Any runway, land area or other facility designed or used either publicly or privately by any person for the landing and taking off of aircraft, including all necessary taxi-ways, aircraft storage and tie-down areas, hangars and other necessary buildings, and open spaces.

Aisle:

The traveled way by which cars enter and depart parking spaces.

Alley:

(see Street)

Alterations:

Any change, addition, modification in construction or occupancy of an existing structure.

Alteration, Structural:

Any change in the supporting members of a building or structure, such as bearing walls, columns, beam or girders; provided, however, that the application of any exterior siding to an existing building for the purpose of beautifying and modernizing shall not be considered a structural alteration.

Amusement Arcade:

A building or part of a building in which five or more pinball machines, video games, or other similar player operated amusement devices are maintained.

Amendment:

A change in an adopted plan for site plans or to the Zoning Resolution.

Annexation:

The incorporation of land from an unincorporated area to a municipality.

Antenna:

Any structure or device used for the purpose of collecting or transmitting electromagnetic signals, including but not limited to directional antennae, such as panels, microwave dishes, and omni-directional antennae, such as whip antennas.

Apartment:

A room or a suite of rooms used and designed for use exclusively for rent or lease as a dwelling unit.

Applicant:

Owner of record, or his agent duly authorized in writing by the owner of record.

Appurtenance:

An addition or projection above or beyond the main building but upon the same foundation.

Aquifer:

A geological unit in which porous and permeable conditions exist and thus are capable of yielding usable amounts of water.

Aquifer Recharge Area:

An area that has soils and geological features that are conducive to allowing significant amounts of surface water to percolate into groundwater.

Area:

A two-dimensional quantity that represents an amount or extent of surface. It can be measured or defined as a flat surface or a spherical surface.

Attached:

An accessory or main building having a shared wall(s) and roof with another accessory or main building.

Auditorium:

A room or space used or intended to be used at any time for assemblage but not intended principally for routine office tasks.

Authority:

A qualified and legally approved official; a written statement signed by the above.

Automotive, Mobile Home, Travel Trailer, Manufactured Home and Farm Implement Sales:

The sale or rental of new and used motor vehicles, mobile homes, travel trailers, or farm implements, but not including repair work except incidental warranty repair of same to be displayed and sold on the premises.

Automotive Repair:

The repair, rebuilding, reconditioning or servicing of motor vehicles or parts thereof, including collision service, painting, and steam cleaning of vehicles. (see Garage, Service Stations)

Automotive Wrecking:

The dismantling or wrecking of used motor vehicles, manufactured homes, mobile homes, trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

Bar:

1. Bar and/or Cocktail Lounge:

Any premises wherein alcoholic beverages are sold at retail for consumption on the premises and minors are excluded therefrom by law. It shall not mean a premises wherein such beverages are sold in conjunction with the sale of food for consumption on the premises and the sale of said beverages comprises less than 25 percent of the gross receipts.

2. Tavern:

An establishment serving alcoholic beverages in which the principal business is the sale of such beverages at retail for consumption on the premises and where sandwiches and snacks are available for consumption on the premises.

Basement:

A story all or partly underground but having at least one half of its height below the average level of the adjoining ground.

Bed and Breakfast Inn:

A house, or portion thereof, where short term lodging rooms and meals are provided. The operator of the inn shall live on the premises or in adjacent premises.

Bedroom:

A room in a dwelling unit planned and intended for sleeping, usually separated from other rooms by a

door.

Bituminous (Bitumen):

Impregnated with, infiltrated by, or containing Bitumen; such as asphalt, crude petroleum or tar.

Blight:

Unsightly conditions including the accumulation of debris, litter, rubbish, fences characterized by holes, breaks, rot, crumbling, cracking, peeling or rusting, landscaping that is dead, characterized by uncontrolled growth or lack of maintenance, or damaged and any other similar conditions of despair and deterioration.

Block:

A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of water bodies, or boundary lines of political subdivisions.

Block Frontage:

Property abutting on one side of a street, and lying between the two nearest intersecting or intercepting street, or between the nearest intersecting or intercepting street and railroad right-of-way, waterway, or other definite barrier.

Boarding House, Rooming House, Lodge:

A building or part thereof, other than a hotel, motel or restaurant, where meals and/or lodging are provided for compensation for unrelated persons. These uses shall also be characterized by the joint use by the inhabitants of at least one of the following: kitchen area, dining room, restroom, bath area.

Brine: (Oil and Gas)

All saline geological formation water resulting, obtained or produced in connection with the exploration, drilling or production of oil or gas.

Buffer Zone: (also see Screening)

A strip of land, identified within the Resolution which protects one type of land use from another with which it is incompatible, which strip is normally landscaped and kept in open space.

Building:

Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property.

Building Height:

The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the eaves.

Building Line:

A line parallel with and measured from the front lot line, defining the limits of a front yard in which no building or structure may be located above ground, except as provided in this Resolution.

**Building, Principal:**

A building in which is conducted the main or principal use of the lot on which said building is situated.

**Business, Convenience:**

Commercial establishments which cater to and can be located in close proximity to or within residential districts without creating undue vehicular congestion, excessive noise, or other objectionable influences. To prevent congestion, convenience uses include, but need not be limited to, drugstores, beauty salons, barber shops, carry outs, dry-cleaning and laundry pickup facilities, and grocery stores if less than 10,000 square feet in floor area. Uses in this classification tend to serve day to day needs in the neighborhood.

**Business, General:**

Commercial uses which generally require locations on or near major arterials and/or their intersections, and which tend in addition to serving day to day needs of the community, also supply the more durable and permanent needs of the whole city. General business uses include, but need not be limited to, such activities as supermarkets, stores that sell hardware, apparel, footwear, appliances, and furniture, department stores, and discount stores.

**Business, Highway:**

Commercial uses which generally require location on or near major arterials and/or their intersections, and which tend to serve the motoring public. Highway business uses include, but need not be limited to such activities as filling stations, truck and auto sales and service, restaurants and motels, and commercial recreation.

**Business, Office Type:**

Quasi-commercial uses which may often be transitional between retail business and/or manufacturing, and residential uses. Office business generally accommodates such occupations as administrative, executive, professional, accounting, writing, clerical, stenographic, and drafting. Institutional offices of a charitable, philanthropic, or religious or educational nature are also included in this classification.

**Business, Services:**

Any profit making activity which renders services primarily to other commercial or industrial enterprises, or which services and repairs appliances and machines used in homes and business.

**Business, Wholesale:**

Business establishments that generally sell commodities in large quantities or by the piece to retailers, jobbers, other wholesale establishments or manufacturing establishments. These commodities are basically for further resale for use in the fabrication of a product, or for use by a business service.

**Camp/ Campground:**

A track of land, including its area of land and/or water, which is intended for recreation and vacation purposes, on which are located temporary or permanent buildings, cabins, shelters, houseboats or other accommodations of the design or character suitable for seasonal lodging.

**Carry Out Restaurant:** (see Restaurant, Fast Food)

Car stackers and mechanical garages:

Parking facilities that use various types of lifts and elevators to increase the number of vehicles that can fit in a parking structure.

Car Wash:

An area of land and/or a structure with machine or hand operated facilities used principally for the cleaning, washing, polishing, or waxing of motor vehicles.

Cemetery:

Land used or intended to be used for the burial of the human or animal dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.

Central Sewer System:

A public utility sewage disposal system, to which individual units are connected.

Central Water System:

A public utility distribution system, to which individual units are connected.

Certificate of Compliance:

Official certification that a premise conforms to provisions of the Zoning Resolution and that such premise may be used or occupied.

Channel:

A natural or artificial watercourse of perceptible extent, with bed and banks to confine and conduct continuously or periodically flowing water.

Child Day Care:

Administering to the needs of infants, toddlers, preschool children, and school children outside of school hours by persons other than their parents or guardians, custodians, or relatives by blood, marriage, or adoption for any part of the twenty four hour day in a place or residence other than the child's own home. The following are child day care facilities:

1. Child Day Care Center:

Any place in which child day care is provided, with or without compensation, for 13 or more children at any one time, or any place that is not the permanent residence of the licensee or administrator in which child day care is provided, with or without compensation, for 7 to 12 children at any one time. In counting children for the purposes of this definition, any children under 6 years of age who are related to a licensee, administrator, or employee and who are on the premises shall be counted.

Type A Family Day Care Home:

A permanent residence of the administrator in which child day care is provided for 4 to 12 children at any one time, if 4 or more children are under 2 years of age. In counting children for the purposes of this definition, any children under 6 years of age who are related to a licensee, administrator, or employee and who are on the premises of the Type A home shall be counted. The term "Type A



family day care home" does not include a residence in which the needs of children are administered to, if all such children are siblings of the same immediate family and the residence is their home.

**Type B Family Day Care Home:**

A permanent residence of the provider in which child day care or child day care services are provided for 1 to 6 children at one time and in which no more than 3 children may be under 2 years of age at any one time. In counting children for the purposes of this definition, any children under 6 years of age who are related to the provider and are on the premises of the type B home shall be counted. The term "Type B family day care home": does not include a residence in which the needs of children are administered to, if all such children are siblings of the same immediate family and the residence is their home.

**Church:**

An institution that people regularly attend to participate in or hold religious services, meetings, and other activities. The term "church" shall not carry a secular connotation and shall include buildings in which the religious services of any denomination are held.

**Clinic:**

A place used for the care, diagnosis and treatment of sick, ailing, infirmed, or injured persons, and those who are in need of medical and surgical attention, usually on an outpatient basis.

**Club:**

An organization of persons for special purposes for the promulgation of sports, arts, literature, politics, or the like, but not operated for profit, excluding churches, synagogues, or other houses of worship.

**Cluster Development/Conservation Development:**

A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas.

**Commercial Entertainment Facilities:**

Any profit making activity which is generally related to the entertainment field, such as motion picture theaters, carnivals, nightclubs, cocktail lounges, and similar entertainment activities.

**Commercial Vehicles:**

Any vehicle of 26,000 gross vehicle weight used or designated to be used for business or commercial purpose that includes but is not limited to a bus, cement truck, commercial tree trimming equipment, construction equipment, dump truck, garbage truck semi-tractor, semi-trailer and other commercial vehicles licensed by the state as commercial vehicles.

**Common Land:**

A parcel, or parcels of land, together with the improvements thereon, the use and enjoyment of which are intended to be shared by the owners and occupants of the individual building units in a planned residential, commercial or industrial development.

Community Center:

A place, structure, area, or other facility used for and providing religious, fraternal, social, and/or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community.

Composting:

To make a mixture consisting largely of decayed organic matter and used for fertilizing and conditioning land.

Comprehensive Development Plan:

A plan, or any portion thereof, adopted by the legislative authority of the Township of Brimfield, showing the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, major thoroughfares, parks, schools, and other community facilities. This plan establishes the goals, objectives, and policies of the community.

Conditional Use:

A use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would not be detrimental to public health, safety, or general welfare.

Condominium:

A form of real estate ownership where there is a fee simple ownership of an individual unit and fractional ownership with other persons in the common areas of the development subject to the provisions of Ohio Revised Code, Chapter 5311. (7/31/07) (#2007-307)

Condominium Development:

A condominium property in which two or more individual residential or water slip units, together with their undivided interests in the common elements of the property, are offered for sale pursuant to a common promotional plan. (7/31/07) (#2007-307)

Congregate Living Facility:

Any residential facility in which the operator provides personal services except skilled nursing services for 4 or more elderly persons. Such facilities contain only congregate kitchen, dining and living areas with separate sleeping rooms.

Conservation Subdivision:

Grouping of houses or other structures on part of the property while maintaining a large amount of open space on the remaining land.

Contiguous:

Adjacent to and touching at or along some point or boundary.

Corner lot: (see Lot Types)

Cul-de-sac: (see Street)

Cultural Resources:

Sites, structures and artifacts which are associated with our heritage. Their significance is archaeological, historical, aesthetic, architectural or has a local cultural significance.

Cultural Resource District:

An area designated by ordinance or resolution which must contain one or more archaeological, historic, aesthetic, architectural or culturally significant features and/or landmarks, or the Cultural Resource District may have significance because of a collection of structures, artifacts or sites which may contribute to the overall integrity of the theme, but may have little significance individually.

Dead end Street: (see Street)

Dedication:

The transfer of property from private to public ownership.

Density:

A unit of measurement: the number of dwelling units per acre of land.

1. Gross density - the number of dwelling units per acre of total land to be developed.
2. Net density - the number of dwelling units per acre of land when the acreage involved includes only the land denoted to residential uses.

Depth (lot):

The mean distance from the street line of the street at the front of the lot to its opposite rear line measured in the general direction of the side lines of the lot.

Detached:

Any accessory or main building that does not share a common wall and roof with any other accessory or main building.

District:

A part, zone, or geographic area within the township, within which certain zoning or development regulations apply.

Drive-Through Facility:

An establishment that, by design of physical facilities or by service or packaging procedures, encourages or permits customers to receive a service or obtain a product that may be used or consumed in a motor vehicle on the premises or to be entertained while remaining in an automobile.

Drilling Unit: (Oil and Gas)

The minimum acreage on which one well may be drilled, but does not apply to a well for injecting gas into or removing gas from a gas storage reservoir.

Drive-Through Restaurant: (see Restaurant, Drive-In, and Restaurant, Fast Food)

Driveway:

A vehicular travel way used to provide access from a street to dwelling units or commercial or industrial activities. Driveways are designed for low travel speeds and are often used as, or are integral with, parking areas for vehicles.

Driveways, Types of:

1. Agriculture – a driveway providing access to a field or farm used for agricultural activities.
2. Residential – a driveway providing access to a single-family residence, a duplex, or to a multi-family building containing not more than 4 residential units.
3. Commercial – a driveway providing access to an office, business, retail or institutional building, or residential facility having five or more dwelling units. These establishments are customarily serviced by trucks as an incidental rather than a principal driveway use. Industrial plant driveways whose primary function is to serve administrative or employee parking lots are considered commercial driveways.
4. Industrial – A driveway directly serving substantial numbers of truck movements (equal of greater than 10 trucks per day) to and from loading docks of an industrial facility, warehouse, or truck terminal. A centralized retail development, such as community or regional shopping center, may have one or more driveways, specifically designed and located to provide access for trucks. These types of driveways are also classified as industrial driveways.

Dwelling:

Any building or structure (except a manufactured home as defined by Ohio Revised Code 4501.01) which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants, but does not include hotels, or motels. (see Factory Built Housing)

Dwelling, Industrialized Unit:

An assembly of materials or products comprising all or part of a total structure which, when constructed, is self-sufficient or substantially self-sufficient and when installed, constitutes a dwelling unit, except for necessary preparations for its placement, and including a modular or sectional unit but not a mobile home.

Dwelling, Multi-Family:

A building consisting of four or more dwelling units, including condominiums *and apartments*, with varying arrangements of entrances and parting walls.

Dwelling, Row House/Town House:

Three or more one family dwelling units that are attached horizontally in a linear arrangement and each dwelling unit has a totally exposed front and rear wall to be used for private access for each dwelling unit.

Dwelling, Single Family detached:

A building designed as a single dwelling unit only, separated from other dwelling units by open space.

Dwelling, Three Family:

A building designed exclusively for or occupied exclusively by no more than three families living independently of each other in three separate dwelling units that are attached by shared wall(s) and roof.

Dwelling, Two Family:

A building designed exclusively for or occupied exclusively by no more than two families living independently of each other in two separate dwelling units that are attached by shared wall(s) and roof.

Dwelling Unit:

A building or space within a building containing living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing, and toilet facilities, all used by only one family.

Easement:

Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of the owner's property.

Emergency Shelter/Mission:

A facility providing temporary housing and/or ancillary services for one or more individuals who are otherwise homeless, and/or indigent, or needy.

Facade:

The exterior wall of a building exposed to public view or that wall viewed by persons not within the building.

Factory Built Housing:

Factory built housing means a factory built structure designed for long term residential use, the components of which are essentially constructed or assembled prior to its delivery to and installation upon a site. For the purposes of this Resolution, "factory built housing" shall include the following:

1. Manufactured Home - Any non-self-propelled vehicle transportable in one or more sections which, in the traveling mode, is 8 body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, and which bears a label certifying that it is built in compliance with Federal Manufactured Housing Construction and Safety Standards.
2. Modular Home - Factory built housing certified as meeting the Local or State Building Code as applicable to modular housing. Once certified by the state, modular homes shall be subject to the same standards as site built homes.
3. Mobile Home - Any non-self-propelled vehicle so designed, constructed, reconstructed, or added to by means of accessories in such manner as will permit the use and occupancy thereof for human habitation, when connected to utilities, whether resting on wheels, jacks, blocks, or other temporary foundation and used or so constructed as to permit its being used as a conveyance upon the public

streets and highways and exceeding a gross weight of four thousand five hundred (4,500) pounds and an overall length of thirty (30) feet, and not in compliance with the Federal Manufactured Housing Construction and Safety Standards Act of 1974.

**Family:**

A person living alone, two or more persons living together as a single housekeeping unit in a dwelling unit, as distinguished from a group occupying a rooming house, group home, motel or hotel dormitory, fraternity or sorority house, provided, however, that "family" shall not include more than four persons unrelated to each other by blood, marriage, or legal adoption.

**Farm:**

A parcel of land used for growing or raising agricultural products, including related structures thereon.

**Fast Food Restaurant:** (see Restaurant, Fast Food, and Restaurant, Drive-in)

**Fence:**

A barrier constructed to enclose an area for protective screening purposes.

**Flea Market:**

A building or open area in which stalls or sales areas are rented or otherwise provided, and are set aside, which are intended for use by various unrelated individuals to sell articles that are either homemade, homegrown, hand-crafted, old, obsolete, or antique and may include the selling of goods at retail by businesses or individuals who are generally engaged in retail trade, not to include private garage sales.

**Flood Plain:**

That land, including the flood fringe and the flood way, subject to inundation by the regional flood (100 year interval average frequency).

**Floodway:**

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the 100 year flood without cumulatively increasing the water surface elevation more than one foot at any point.

**Floodway Fringe:**

All that land in a flood plain not lying within a delineated flood way. Land within a flood way fringe is subject to inundation by relatively low velocity flows and shallow water depths.

**Floor Area Living:**

The sum of the gross horizontal area of the floors of a residential building, excluding the basement floor areas not devoted to residential use, porches, terraces, garages, or other spaces not in compliance with building code specifications for habitable space, measured from the interior faces of exterior walls.

**Floor Area of a Non-Residential Building** (to be used in calculating parking requirements):

The floor area of the specified use excluding stairs, washroom, elevator shafts, maintenance shafts and room, storage spaces, display windows, and dining room, and similar areas, measured from the interior faces of exterior walls.

Food Processing:

The preparation, storage, or processing of food products. Examples of these activities include bakeries, dairies, canneries, and other similar businesses.

Garage, Private:

A building for the private use of the owner or occupant of a principal building situated on the same lot of the principal building for the storage of motor vehicles with no facilities for mechanical service or repair of a commercial or public nature.

Garage, Service Station:

Buildings and premises where gasoline, oil, grease, batteries, tires, and motor vehicle accessories may be supplied and dispensed at retail, where in addition, the following services may be rendered and sales made, wholly within the building:

1. Sales and service of spark plugs, batteries, and distributor parts;
2. Tire servicing and repair, but not recapping or regrooving;
3. Replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and blades, grease retainers, wheel bearings, mirrors and the like;
4. Radiator cleaning and flushing;
5. Radiator repair;
6. Greasing and lubrication;
7. Providing and repairing fuel pumps and lines;
8. Minor servicing, and repair of carburetors;
9. Adjusting and repairing brakes;
10. Minor motor adjustment not involving removal of the head or crankcase;
11. Sales of cold drinks, packaged food, tobacco, and similar convenience goods for service station customers, as accessory and incidental to principal operations;
12. Provisions of road maps and other informational material to customers;
13. Provision of restroom facilities;
14. Warranty maintenance and safety inspections;

Uses permissible at a filling station do not include major mechanical and body work, straightening of

body parts, painting, welding and storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in filling stations. A filling station is not a repair garage nor a body shop.

Gas:

All natural gas and all other fluid hydrocarbons not defined above as oil, including condensate.

Glare:

A sensation of brightness within the visual field that causes annoyance, discomfort, or loss in visual performance and visibility.

Grade, Finished:

The average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five feet of a sidewalk, the ground level shall be measured at the sidewalk.

Grade, Natural:

The elevation of the undisturbed natural surface of the ground prior to an excavation or fill.

Hazardous Substances:

Any substance or materials that, by reason of their toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such material or substance.

Health Club:

Health club means, but is not limited to, gymnasiums (except public), private clubs (athletic, health, or recreational), reducing salons, and weight control establishments.

Home Business and/or Occupation:

Is an accessory use of residential property, which is an activity, profession, occupation, service, craft, or revenue enhancing hobby which is clearly incidental and subordinate to the use of the premises as a dwelling. The use may be permitted in the residential dwelling and/or permitted within an accessory building(s).

Homeowners Association:

A private, nonprofit corporation or association of homeowners for the purpose of owning, operating, and maintaining various common properties.

Hospital:

An institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central services facilities, and staff offices that are an integral part of the facilities.

Hotel or Motel and Apartment Hotel:

A building in which lodging or boarding and lodging are provided and offered to the public for compensation. As such, it is open to the public as opposed to a boarding house, rooming house, lodging house, or dormitory.



**Household Pet:**

Animals that are customarily kept for personal use or enjoyment within the home. Household pets shall include but not be limited to domestic dogs, domestic cats, domestic tropical birds, and rodents.

**Hydronic Furnace:**

A unit located outside of a building or structure, used to produce heat for the building or structure. The outdoor Hydronic furnace shall meet at minimum the EPA Phase II emission levels or less. They are not used for the boiling of water or hot water heaters. Hydronic Furnace does not include fire pits, wood-fire barbeques, grills or decorative fireplaces. (11/22/2010) (#2010-293)

**Impervious Surface:**

A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes surfaces such as compacted sand, limerock, or clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots, and other similar structures.

**Impound Lot:**

Short term storage (not to exceed 60 days) of motor vehicles as described in ORC 4501.01(B).

**Industrial Park:**

A planned, coordinated development of a tract of land with two or more separate industrial buildings and related uses. Such development is planned, designed, constructed, and managed on an integrated and coordinated basis with special attention given to on-site vehicular circulation, parking, utility needs, building design and orientation, and open space.

**Industry, Heavy:**

A use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

**Industry, Light:**

A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding basic industrial processing.

**Institution - Educational, Religious, Charitable:**

Buildings and/or land designed to aid individuals in educational, religious, charitable or other such pursuits.

**Institution - Human Care:**

A building and/or land designed to aid individuals in need of mental, therapeutic, rehabilitation, counseling or other correctional services.

**Junk:**

Waste, discarded or salvaged materials, such as: scrap metals, used building materials, used lumber, used glass, discarded motor vehicle(s), paper, rags, rubber, cordage, barrels, and other similar type

materials.

Junk Shop, Junk Buildings, Junk Yards:

Any area of at least 75 square feet of land, buildings, or structures, whether for private or commercial purposes, where waste, discarded or salvaged materials, such as scrap metals, used building materials, used lumber, used glass, discarded motor vehicles, paper, rags, rubber cordage, barrels, etc. are sold, stored, or processed, any land used for storing or keeping of two or more junk motor vehicles in the open on any premises for more than 72 hours.

Junk Vehicles:

Any vehicle meeting the following:

1. Extensively damaged: such damage includes but is not limited to any one of the following:  
missing wheels, tires, motor or transmission, or;
2. Inoperable, or;
3. Unlicensed.

Kenel:

Any lot or premises on which 2 or more dogs, more than 3 months of age, are bred for sale or for hunting or are boarded.

Landscaping:

Changing or adding to the original vegetation or scenery of a piece of land to produce an aesthetic affect appropriate for the land use.

Landfill:

A disposal site employing an engineering method of disposing of solid wastes in a manner that minimizes environmental hazards by spreading, compacting to the smallest volume, and applying cover material over all exposed waste at the end of each operating day.

Lattice antenna:

Any self-supporting structure constructed of vertical metal struts and cross braces forming a triangular or square structure which often tapers from the foundation.

Laundry, Self Service:

A business that provides home type washing, drying, and/or ironing machines for hire to be used by customers on the premises.

Living Area:

Space in a building, occupied or to be occupied, for residential or sleeping purposes, by one or more persons, permanently or transiently, and exclusive of basement area and public or shared corridors and utility rooms.

Loading Space, Off Street:

Space logically and conveniently located for bulk pickups and deliveries, scaled to deliver vehicles expected to be used, and accessible to such vehicles when required off street parking spaces are filled.

Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space. All off-street loading spaces shall be located totally outside of any street or alley right-of-way.

Location Map: (see Vicinity Map)

Lot:

A lot is a parcel of land sufficient in size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required and having its principal frontage on a public street or private street built to Portage County Subdivision Regulation standards.

Lot Coverage:

The ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.

Lot Depth:

The mean horizontal distance between the right-of-way line and the rear lot line.

Lot Frontage:

The horizontal distance measured between the side lot lines at the street right-of-way line.

Lot Line, Front (also see Yard, Front):

The line separating the front of the lot from the street. When a lot or building site is bounded by a public street and one or more alleys or private street easements or private streets, the front lot line shall be the nearest right-of-way line of the public street.

Lot Line, Rear:

The rear property line of a lot is that lot line opposite to the front property line.

Lot Line, Side:

Any boundary of a lot that is not a front or rear lot line. On a corner lot, a side lot line may be a street lot line.

Lot, Minimum Area of (size):

The area of a lot which is computed exclusive of any portion of the right-of-way of any public or private street.

Lot of Record:

A lot which is recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded prior to the effective date of the Zoning Resolution.

Lot, Types of:

1. Corner Lot - A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the

side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.

2. Interior Lot - A lot with only one frontage on the street.
3. Through Lot - A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.
4. Reversed Frontage Lot - A lot on which frontage is a right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.
5. Flag Lot - A lot with access provided to the bulk of the lot by means of a narrow corridor.

Lot Width:

The horizontal distance measured between the side lot lines at the building setback line.

Maintenance Guarantee:

A guarantee of facilities or work to ensure the correction of any failures of any improvements required pursuant to this Resolution and regulation, or to maintain same.

Maintenance and Storage Facilities:

Land, buildings, and structures devoted primarily to the maintenance and storage of construction equipment and material.

Major Thoroughfare Plan:

The portion of the Comprehensive Plan adopted by the Planning Commission indicating the general location recommended for arterial, collector, and local thoroughfares within the appropriate jurisdiction.

Manufactured Home: (see Factory Built Home)

Manufactured Home Park:

Any site, or tract of land under single ownership, upon which three or more manufactured homes used for habitation are parked, either free of charge or for revenue purposes; including any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park.

Manufacturing, Extractive:

Any mining, quarrying, excavating processing, storing, separating, cleaning, or marketing, of any mineral natural resources.

Manufacturing, Heavy:

Manufacturing uses which are generally major operations and extensive in character; require large sites their own storage and service areas, extensive services and facilities, ready access to regional transportation; and normally generate some nuisances such as smoke, noise, vibration, dust, glare, air pollution and water pollution, but not beyond the district boundary.

Manufacturing, Light:

Manufacturing uses which are usually controlled operations; relatively clean, quiet and free of objectionable or hazardous elements such as smoke, noise, odor or dust; operating and storing within enclosed structures; and generating little industrial traffic and no nuisances.

Marquee:

Any hood or awning of permanent construction projecting from the wall of a building, above an entrance over a street or sidewalk, or portion thereof.

Massage Parlor:

An establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered. Unless, such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist or similar professional person licensed by the state. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

Mean:

The center most number of average of the two center most numbers from a series of numbers arranged in ascending numerical order; the mean distance to a straight line is the average of the distances to its extremities.

Mini-Storage Facility:

A building or group of buildings containing varying sizes of individual compartmentalized and controlled access stalls or lockers for the dead storage of a customer's goods or wares.

Mobile Home:

Any non-self-propelled vehicle so designed, constructed, reconstructed, or added to by means of accessories in such manner as will permit the use and occupancy thereof for human habitation, when connected to utilities, whether resting on wheels, jacks, blocks, or other temporary foundation and used or so constructed as to permit its being used as a conveyance upon the public streets and highways and exceeding across weight of four thousand five hundred (4500) pounds and an overall length of thirty (30) feet, and not in compliance with the Federal Manufactured Housing Construction and Safety Standards Act of 1974. (also see Factory Built Housing #3)

Mobile Home Park:

Any site or tract of land under single ownership, upon which three or more mobile homes used for habitation are parked, either free of charge or for revenue purposes; including any roadway building, structure, vehicle or enclosure used or intended for use as a part of the facilities of such park.

Monopole:

Any support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.

Motel: (see also Hotel)

A building or group of detached or connected buildings designed or used primarily for providing

sleeping accommodations for automobile travelers and having a parking space adjacent to a sleeping room. An automobile court or a tourist court with more than one unit or a motor lodge shall be deemed a motel.

Nightclub (see also Bar):

A commercial establishment dispensing alcoholic beverages for consumption on the premises and in which dancing is permitted and/or entertainment provided and includes the term "cabaret."

Nonconformities:

Lots, uses of land, structures, and uses of structures and land in combination lawfully existing at the time of enactment of this Resolution or its amendments which do not conform to the regulations of the district or zone in which they are situated, and are therefore incompatible.

Nudity or State of Nudity:

The appearance of a human bare buttock, anus, male genitals, female genitals, or full female breast.

Nuisance:

Anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses.

Nursery, Plant Materials:

Land, building, structure or combination thereof for the storage, cultivation, transplanting of live trees, shrubs or plants offered for retail sale on the premises including products used for gardening and landscaping.

Nursing Home:

1. Institutional - A state licensed home or facility for the care and treatment of people on a long term basis.
2. Non-institutional - A facility licensed or certified to provide domiciliary care for 9 to 16 individuals who are dependent on the services of others by reasons of health, physical or mental impairment (not mental retardation or developmental disabilities) but who do not require skilled nursing care.

Office:

A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations.

Office Park:

A large tract of land that has been planned, developed, and operated as an integrated facility for a number of separate office buildings and supporting ancillary uses with special attention given to circulation, parking, utility needs, aesthetics, and compatibility.

Oil:

Crude petroleum oil and all other hydrocarbons, that are produced in liquid form by ordinary production methods, but does not include hydrocarbons that were originally in a gaseous phase in the reservoir.

Oil and Gas Wells:

All wells as defined herein for the production or extraction or injection of oil and/or associate waste brines.

Open Space:

An area substantially open to the sky which may be on the same lot with a building. The area may include along with the natural environmental features, water areas, swimming pools, and tennis courts, and any other recreational facilities that the Zoning Commission deems permissive. Streets, parking areas, structures for habitation, and required side, front and rear yards shall not be included. Bodies of water as well as any area within a designated flood hazards area, may be counted toward up to 50% of the open space area requirements.

Open Space, Common:

Open space within or related to a development, not in individually owned lots or dedicated for public use, but which is designed and intended for the common use or enjoyment of the residents of the development.

ORC:

The Ohio Revised Code.

Outdoor Boiler: (See Hydronic Furnace) (11/22/2010) (#2010-293)

Outdoor Storage:

The keeping in an unroofed area, of any goods, junk, material, merchandise or vehicles in the same place for more than 24 hours.

Overlay District:

A district described by the Zoning map within which, through superimposition of a special designation, further regulations and requirements apply in addition to those of the underlying districts to which such designation is added.

Owner: (Oil and Gas)

The person who has the right to drill on a tract or drilling unit and to drill into and produce from a pool and to appropriate the oil or gas that he produces therefrom either for himself or for others.

Park:

Any public or private land available for recreational, educational, cultural, or aesthetic use.

Parking Lot:

An area where motor vehicles may be stored for the purposes of short-term temporary, daily, or overnight off-street parking.

Parking, Shared:

The development and use of parking areas on two or more separate properties for joint use by the business on those properties.

**Parking Space (off-street):**

An unobstructed space or area other than a street or alley that is permanently reserved and maintained for the parking of one motor vehicle with room for opening doors on both sides, exclusive of driveways and isles.

**Parties of Interest:**

Shall include the applicant and the property owners adjoining and within 500 feet of the property lines of the subject property, as they appear on the county auditor's current tax list or the treasurer's mailing list.

**Performance Guarantee:**

Security provided by a developer of land for the amount of the estimated construction/improvements cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the developer's agreement.

**Person:**

Shall mean and include any person, firm, partnership, association, corporation, trust, cooperative, or other type of organization.

**Personal Services:**

Any enterprise conducted for gain which primarily offers services to the general public such as shoe repair, watch repair, barber shops, beauty parlors and similar activities.

**Planned Unit Development:**

An area of land in which a variety of housing types and subordinate commercial and industrial facilities may be accommodated in a unified, preplanned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations. The procedure for approval of such development contains requirements in addition to those of the standard subdivision, such as building design principles, and landscaping plans.

**Planning Commission/Regional Planning Commission:**

The public body empowered to prepare plans.

**Plat:**

A map of a subdivision.

**Pollution:**

The contamination or other alteration of the physical, chemical or biological properties of any natural waters of the township, or such discharge of any liquid, gaseous, or solid substance into/on the land, air or any water of the township that will or is likely to create a nuisance or render such air or waters harmful or detrimental or injurious to public health, safety or welfare, to domestic, commercial, agricultural, recreational, or other beneficial uses, or to livestock, animals or aquatic life.

**Pool: (Oil and Gas)**

An underground reservoir containing a common accumulation of oil or gas, or both, but does not include a gas storage reservoir. Each zone of a geological structure that is completely separated from any other



zone in the same structure may contain a separate pool.

**Principal Building:**

A building in which the primary use of the lot on which the building is located is conducted.

**Principal Use:**

The primary use and chief purpose of a lot or structure.

**Print Shop:**

A retail establishment that provides duplicating services using photocopy, blueprint, and off set printing equipment, including collating of booklets and reports.

**Private Street or Road:**

A street or road, including a new easement of access, subject to platting in accordance with the Portage County Subdivision Regulations and held in private ownership for which the State, County, or Township shall not assume any maintenance responsibility. The construction of a private street or road shall conform with the rules, standards, and specifications for road improvements adopted by the Board of County Commissioners pursuant to Section 711.101 of the Ohio Revised Code.

**Professional Activities:**

The use of offices and related spaces for such professional services as are provided by medical practitioners, lawyers, architects, engineers, and similar professions.

**Professionally Drawn:**

Plans that are prepared by a professional engineer, architect, or surveyor, as applicable and shall have their respective seal on the plans. The Plans shall be legible, drawn to consistent scale, with dimensions indicated, accurately depicting all of the required information for review and evaluation.

**Public Improvement:**

Any roadway, drainage way, parkway, sidewalk, pedestrian way, bikeway, public way, trees, off street parking area, lot improvements, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may effect an improvement for which local government responsibility is established.

**Public Service Facility:**

The erection, construction, alteration, operation, or maintenance of buildings, power plants, or substations, water treatment plants or pumping stations, sewage disposal or pumping plants and other similar public service structures by a public utility, by a railroad, whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communication, public water and sewage services.

**Public Uses:**

Public parks, schools, administrative and cultural buildings and structures, not including public lands or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.

**Public Utility:**

Any person, firm, corporation, governmental agency or board fully authorized to furnish to the public; electricity, gas, steam, telephone, telegraphy, transportation, or water. (For the purpose of the Resolution, wireless telecommunication services shall not be considered public utility uses, and are defined separately.)

**P.U.C.O.:**

The Public Utility Commission of Ohio which sets rates and revenues for various public utilities in the State of Ohio.

**Public Way:**

An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway right-of-way, road, sidewalk, street, subway, tunnel viaduct, walk, bicycle path, or other ways in which the general public or a public entity have a right, or which are dedicated, whether improved or not.

**Quasi-Public Use:**

Churches, Sunday schools, parochial schools, colleges, hospitals, and other facilities of an educational, religious, charitable, philanthropic, or nonprofit nature.

**Recreation Facilities:**

Public or private facilities that may be classified as either "extensive" or "intensive" depending on the scope of services offered and the extent of use. Extensive facilities generally require and utilize considerable areas of land and include, but need not be limited to hunting, fishing, riding clubs and parks. Intensive facilities generally require less land (used more intensively) and include, but need not be limited to, miniature golf courses, amusement parks, stadiums, bowling alleys, and tennis courts.

**Recreational Vehicle (RV) Park:**

Any lot of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

**Recycling Collection Point:**

An incidental use that serves as a neighborhood drop off point for temporary storage of recoverable resources. No processing of such items would be allowed. This facility would generally be located in a shopping center parking lot or in other public/quasi-public areas, such as in churches and schools.

**Recycling Facility:**

A building in which recyclable materials are processed for sale; materials are collected in enclosed containers. Materials limited to household and office paper, magazines, cardboard, plastic materials 1 through 7 Global Recycling Network various materials, aluminum cans and tin cans. (August 14, 2009) (#2009-155)

**Research Activities:**

Research, development, and testing related to such fields as chemical, pharmaceutical, medical, electrical, transportation, and engineering. All research, testing, and development shall be carried on

within entirely enclosed buildings, and no noise, smoke, glare, vibration, radiation or odor shall be detected outside of said building.

**Restaurant:**

A business establishment whose principal business is the selling of unpackaged food to the customer in a ready to consume state, in individual servings, or in nondisposable containers, and where the customer consumes these foods while seated at tables or counters located within the building. This includes outdoor cafes.

**Restaurant, Drive-In:**

An establishment that delivers prepared food and/or beverages to customers motor vehicles, regardless of whether or not it also serves prepared food and/or beverages to customers who are not in motor vehicles, for consumption either on or off the premises.

**Restaurant, Fast Food:**

An establishment that offers quick food service, which is accomplished through a limited menu of items already prepared and held for service, or prepared, fried, or girdled quickly, or heated in a device such as a microwave oven. Orders are not generally taken at the customer's table, and food is generally served in disposable wrapping or containers.

**Rest Home or Nursing Home (noninstitutional):**

A facility licensed or certified to provide domiciliary care for 9 to 16 individuals who are dependent on the services of others by reasons of health, physical or mental impairment (not mental retardation or developmental disabilities) but who do not require skilled nursing care.

**Retirement Facility:**

A facility providing living quarters, either owned or rented to persons age fifty-five (55) years of age or older. Such facility may be a single structure or a group of structures, and may include medical, recreational and commercial services if such services are available and predominantly designed for residents and their guests. Developed as a Planned Unit Development.

**Right-of-way:**

A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or other special use.

**Roads:** (see Streets or Roads)

**Roadside Stand:**

A temporary structure designed or used for display or sale of agricultural and related products by the owner or lessee of the property on which it is located. Products sold are from the premises.

**Rooming House:**

A residential structure that provides lodging with or without meals for not more than five (5) guests, is available for long term permanent occupancy only, and which makes no provision for cooking in any of the rooms occupied by paying guest.

Screening: (see also Buffer Zone)

The method by which a view of one site from another adjacent site is shielded, concealed or hidden. Screening techniques include fences, walls, hedges, berms or other features.

Seat:

For purposes of determining the number of off street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each twenty four (24) lineal inches of benches, pews, or space for loose chairs.

Self Service Station:

An establishment where liquids used as motor fuels are stored and dispersed into the fuel tanks of motor vehicles by persons other than the service station attendant and may include facilities available for the sale of other retail products.

Self Service Storage Facility:

A building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the storage of customer's goods or wares.

Setback Line:

A line established by the Zoning Resolution parallel with and measured from the lot line, defining the limits of a yard in which no building, accessory building, or structure may be located, except as provided for in this Resolution.

Sewers, On-site:

A septic tank, or similar installation on an individual lot which utilizes an aerobic bacteriological processor or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of the health department or other officials having jurisdiction.

Sewers, Sanitary:

A sewer to dispose of sewage, but not water from ground, surface, or storm.

Sexually Oriented Businesses:

1. "Adult" arcades;
2. "Adult" bookstores and "adult" video stores;
3. "Adult" cabarets;
4. "Adult" motion picture theaters;
5. "Adult" theaters;
6. "Adult" parlors.

Shopping Center:

A grouping of retail business and service uses on a single site with common parking facilities.

Sidewalk:

That portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian

traffic.

Sign:

Any device designated to inform or attract the attention of persons not on the premises on which the sign is located.

1. Sign Area - That area within a regular geometric form, or combination comprising all of the display area of the sign except frames and structural members not being used for advertising.
2. Animated or Moving Sign - A sign that uses movement, lighting, or special materials to depict action or create a special effect to imitate movement.
3. Sign, Awning, Canopy, or Marquee - A sign painted, stamped, perforated, or stitched, or otherwise applied on the valance of an awning.
4. Sign, Banner - A temporary sign made of fabric or any nonrigid material with no enclosing framework.
5. Sign, Directional - Signs that are designed to direct and inform the public as to the location of exits, entrances, service areas, loading and unloading areas.
6. Sign, Directory - A sign or group of signs either attached to the building or freestanding that lists the names, uses, or locations of various businesses or activities conducted within a building or group of buildings.
7. Sign, Electronic Message Board - Any sign that uses alphabetic, pictographic, or symbolic, informational content to form a sign message or messages wherein the sequence of messages and the rate of change are electronically programmed and can be modified by electronic processes.

(1-7) (2/14/2009) (#2009-015)

8. Sign Face - The area or display surface used for the message.
9. Sign, Freestanding (ground pole) - A sign that is attached to, erected on, or supported by some structure (such as a pole, mast, frame, or other structure) that is not itself an integral part of or attached to a building or other structure whose principal function is something other than the support of a sign, and does not exceed an overall height of six (6) feet above final grade.
10. Sign, Height - The vertical distance from the average ground elevation at the sign supports or base of a freestanding sign to the highest point of the sign structure.
11. Sign, Illuminated - Any sign illuminated by electricity, gas, or other artificial light including reflecting or phosphorescent light.
12. Sign, Informational and Directional - Sign that are used to direct traffic flow, to indicate parking areas, or to provide other essential information to guide vehicular or pedestrian traffic flow.

13. Sign, Lawn - To include but not limited to Real estate signs, Contractor identification signs, Property owner announcement signs
14. Sign, Lighting Device - Any light, string of lights, or group of lights located or arranged so as to cast illumination on a sign.
15. Sign, Monument - A free standing sign which is generally of a monolithic design with the sign face attached to a base having a width of at least one-half the width at the widest part of the sign face. The sign face is supported by two or more supports or braces and may be constructed of decorative block, brick or architecturally treated metal.
16. Sign, Off Premises - Any sign unrelated to a business or profession conducted, or to a commodity or service sold or offered upon the premises where such sign is located.
17. Sign, On Premises - Any sign related to a business or profession conducted, or a commodity or service sold or offered upon the premises where such sign is located.
18. Sign, Pole - A free standing sign that is designed to be mounted on a pole or other similar structure, that is itself not an integral part of or attached to a building or other structure, so that the bottom edge of the sign face is at least six (6) feet or more above the final grade.
19. Sign, Portable - A sign that is not permanently affixed to a building, other unmovable structure, or the ground.
20. Sign, Projecting - Any sign which projects from the exterior of a building.
21. Sign, Roof - Any sign erected upon, against, or directly above a roof or roof eaves, or on top or above the parapet, or on a functional architectural appendage above the roof or roof eaves.
22. Sign, Temporary - A sign intended for use for a limited period of time.
23. Sign, Wall - A sign painted on or attached to the wall of a building with the exposed face of the sign in a plane parallel to the plane of the wall.
24. Sign, Window - A sign painted, stenciled, or affixed on a window, which is visible from a right-of-way.

Site Plan:

A plan, prepared to scale, showing accurately and with complete dimensions, the boundaries of a site and the location of all buildings, structures, uses and principal site development features proposed for a specific parcel of land.

Specified Anatomical Areas:

Less than complete and opaquely covered human genitals, pubic region, buttocks, and female breasts, below a point immediately above the top of the areola; and human male genitals in a discernible turgid state, even if completely and opaquely covered.

Specified Sexual Activities:

1. Human genitals in the state of sexual stimulation or arousal.
2. The fondling or other erotic touching of human genitals, pubic regions, buttocks, anus or female breasts.
3. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy.
4. Masturbation, actual or simulated.
5. Excretory functions as part of, or in connection with, any of the activities set forth in one (1) through four (4) above.

Story:

That part of a building between the surface of a floor and the ceiling immediately above.

Story, Half:

Any top story whose floor area exclusive of storage space is 75% or less of the floor area immediately below.

Street or Road:

A street or road, for the purposes of this Resolution are classified as structures the full width between property lines, with a part thereof to be used for vehicular traffic and designated as follows. A street or road shall comply with all applicable requirements of this Resolution and the Portage County Subdivision Regulations when applicable.

1. Alley - A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.
2. Arterial Street - A general term denoting a highway primarily for through traffic, carrying heavy loads and large volumes of traffic, usually on a continuous route.
3. Collector Street - A thoroughfare, whether within a residential, industrial, commercial or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions.
4. Cul-de-sac - A local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.
5. Cul-de-sac Circle - The vehicle turnaround portion of a cul-de-sac.
6. Dead-end Street - A street temporarily having only one (1) outlet for vehicular traffic.
7. Local Street - A street primarily for providing access to residential or other abutting property.
8. Loop Street - A type of local street, each end of which terminates at an intersection with the same arterial or collector street, and whose principal radius points of the one hundred eighty

(180) degree system of turns are not more than one thousand (1000) feet from said arterial or collector street, nor normally more than six hundred (600) feet from each other.

9. Marginal Access Street - A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets. (Also called frontage street)
10. Private Street - A thoroughfare not dedicated for public use which provides access to abutting property.
11. Public Street - A thoroughfare, dedicated and accepted by a city which provides access to abutting property.

Structure:

Anything, constructed or erected, the use of which requires location on the ground, or attachment to something having a fixed location on the ground. Among other things, structures include roads, buildings, walls, fences, and signs.

Subdivision:

The division of a lot, tract, or parcel into two or more lots, tracts, or parcels or other divisions of land for sale, development or lease.

Swimming Pool, Private:

An in ground or above ground structure, chamber or tank containing a body of water for swimming, diving or wading. Excludes portable pools with diameter less than 12 feet or with an area of less than 100 sq. ft. and not more than 2-1/2 feet deep.

Swimming Pool, Family:

A pool as defined above used exclusively by the residents and their nonpaying guests of the dwelling unit.

Swimming Pool, Commercial/Club:

A pool as defined above constructed by an association of property owners or by a private club or association, for use and enjoyment by members and their families.

Temporary Building:

A building constructed or placed for a limited stipulated time.

Temporary Place of Business:

Any public or quasi-public place including, but not limited to a hotel, rooming house, storeroom, building, part of a building, tent, vacant lot, railroad car or motor vehicle that is temporarily occupied for the purpose of making retail sales of goods to the public. A place of business is not temporary if the same person conducted business at the place continuously for more than six (6) months, or if the person intends it to be a fixed place of business.



Temporary Seasonal Tent.

A portable lodge of canvas, strong cloth, or synthetic material stretched and sustained by poles, or any similar portable lodge designed for temporary recreational use.

Temporary Shelter:

A building operated under the full time supervision of a nonprofit agency in which emergency lodging and meals are provided for a period not to exceed fourteen (14) days.

Through Lot: (see Lot, Types of)

Tower:

A building or structure that is relatively high for its length and width, either standing alone or forming a part of another building. The purpose of said tower being the reception and/or transmission of audio, video, cellular, and like signals.

Towing Business:

A business engaged in the moving of disabled or wrecked vehicles, enforcement towing and providing emergency road service.

Tract:

A single, individually taxed, parcel of land appearing on the tax list.

Transient:

A visitor who does not reside or is not employed within a fifty (50) mile radius of Brimfield Township.

Transient Vendor:

Any person who leases titled motor vehicles, titled water craft or titled outboard motors, or in the usual course of his business transports inventory, stock of goods or similar tangible personal property to a temporary place of business in a county in which he has no fixed place of business, for the purpose of making retail sales of such property.

Transitional Use:

A permitted use or structure that by nature or level and scale of activity acts as a transition or buffer between two or more incompatible uses.

Transportation, Director:

The Director of the Ohio Department of Transportation.

Truck Terminal:

Land and buildings used as a relay station for the transfer of a load from one vehicle to another or one party to another. The terminal cannot be used for permanent or long term accessory storage for principal land uses at other locations. The terminal facility may include storage areas for trucks and buildings or areas for the repair of trucks associated with the terminal.

Use:

The specific purposes for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

Variance:

A variance is a modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in practical difficulty or unnecessary hardship.

Veterinary Animal Hospital or Clinic:

A place used for the care, grooming, diagnosis, and treatment of sick, ailing, infirmed, or injured animals, and those who are in need of medical or surgical attention, and may include overnight accommodations on the premises for the treatment, observation and/or recuperation. It may also include boarding that is incidental to the primary activity.

Vicinity Map:

A drawing located on the plat or drawing which sets forth by dimensions or other means, the relationship of the proposed subdivision or development, or use to the other nearby developments or landmarks and community facilities and services within the general area in order to better locate and orient the area in question.

Warehouse:

A building used primarily for the storage of goods and materials.

Warehousing and Distribution:

A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment, but excluding bulk storage of materials that are flammable or explosive or that create hazardous or commonly recognized offensive conditions.

Waste: (Oil and Gas)

Includes (1) physical waste, as such term is generally understood in the oil and gas industry; (2) inefficient storing of oil or gas; (3) locating, drilling, equipping, operating or producing an oil or gas well in a manner that reduces or tends to reduce the quantity of oil or gas ultimately recoverable under prudent and proper operations from the pool into which it is drilled or that causes or tends to cause unnecessary to excessive surface loss or destruction of oil or gas; (4) other underground or surface waste in the production or storage of oil, gas or condensate, however caused.

Water or Water of the Township:

All streams, ditches, lakes, ponds, marshes, watercourses, waterways, wells, springs, drainage systems and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, which are contained within, flow through or border upon the township or any portion thereof.

Well:

Any hole or holes, bore or bores, to any depth for the purpose of production, recovery, extraction or injection of any gas or liquid mineral, excluding potable water to be used as such, but including natural or artificial brines and oil filled waters.

Wetlands:

An area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

Wild and Dangerous Animals:

Includes, but is not limited to: any animal, reptile, bird, fish, insect, or arachnid, which either bites, claws, injects venom, strangles, or constricts prey in a manner which could cause serious harm to humans, or if released or escaped could create a threat to the local ecology.

Wireless telecommunication service facility:

A facility, consisting of equipment, structures, parking area, and accessory development, involved in transmitting and/or receiving electromagnetic signals.

Wireless telecommunication services:

Licensed wireless telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

Wireless telecommunication tower:

Any structure including supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of supporting one or more antenna or similar apparatus.

Wireless telecommunication tower, multi-user:

A tower to which is attached the antennas of more than one wireless telecommunication service provider or government entity.

Wireless telecommunication tower, single user:

A tower to which is attached only the antenna of a single user, although the tower may be designed to accommodate the antenna of multiple users as requested in the Resolution.

Yard:

Any open space located on the same lot with a building, unoccupied and unobstructed from the ground up, except for accessory buildings, or such projections as are expressly permitted in these regulations. The minimum depth or width of a yard shall consist of the horizontal distance between the lot line and the nearest point of the foundation wall of the main building.

1. Yard, Front - A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.

2. Yard, Rear - A yard extending between side lot lines across the rear of the lot and from the rear lot line to the rear of the principal building.
3. Yard, Side - A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

**Yield Plan:**

A graphical plan that consists of conventional lot and street layouts, and must conform to the Township's zoning regulations (governing lot dimensions, parking, etc.), utilizing land suitable for development (not including floodplains, wetlands, steep slopes, etc. for buildings, septic systems and other improvements) and must conform to the County Subdivision Regulations (roadway design, storm water management, open space, etc.) and other governmental regulations governing the improvement of land. Although such plans are conceptual and are not intended to involve significant engineering costs, the yield plan must be realistic, and not show potential improvements in areas that would not ordinarily be legally permitted in a conventional layout.<sup>1</sup>

**Zero Lot Line Development:**

An arrangement of housing on adjoining lots in which the required side yard is reduced on one side and increased on the other so that the sum of the offsets on any lot is not less than the sum of the required offsets. A housing development where houses have a zero foot (legally 1 inch) setback from one or more lot lines. No building or structure shall be closer to a lot line than 5 feet unless it abuts the lot line and is provided with an access easement of 5 feet on the adjoining lot or abuts a building or structure on the adjoining lot. The offset adjacent to property not included in the zero lot line development or a street shall not be less than that required in the zoning district.

**Zoning Inspector:**

The person designated by the Brimfield Township Trustees to perform the task of zoning enforcement.

**Zoning Map:**

The official zoning district map which shows the boundaries of districts within Brimfield Township.

**Zoning Permit:**

A document issued by the Zoning Inspector authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses.

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<sup>1</sup> Designing open Space Subdivisions, Natural Lands Trust September 1994, Randall Arendt, page 135.